



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,004	01/28/2000	Daniel Yellin	P-1592-US1	1644

27130 7590 09/25/2003

EITAN, PEARL, LATZER & COHEN ZEDEK LLP
10 ROCKEFELLER PLAZA, SUITE 1001
NEW YORK, NY 10020

EXAMINER

CHUNG, PHUNG M

ART UNIT

PAPER NUMBER

2133

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/493,004

Applicant(s)

YELLIN, DANIEL

Examiner

Phung M. Chung

Art Unit

2133

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 11, 12, 13 is/are allowed.
- 6) ☒ Claim(s) 2, 3, 4, 8 is/are rejected.
- 7) ☒ Claim(s) 6, 9-13, 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2133

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCree et al (5,694,426).

As per claim 1, McCree et al disclose a signal quantizer with reduced output fluctuation, comprising the steps of:

detecting fading characteristics of a fading channel (detecting quantization error and determining mismatch...); and

determining a quantization correction command (generating a quantized output signal based on the quantization error and the amount of fluctuation) for a received signal. (See col. 7, line 26 to col. 8, line 5). McCree et al do not specifically disclose the determining the quantization correction command for at least one segment of the received signal. However, it would have been a matter of design choice to a person of ordinary skill in the art, at the time the invention was made, to determine the quantization correction command for at least one segment or for the whole segment of the received signal as desired to reduce fluctuation of the output signal.

Art Unit: 2133

3. Claims 3, 5, and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCree et al (5,694,426) as applied to claims 1-2 and 28-29 above, and further in view of the admitted prior art.

As per claim 3, the teaching of McCree et al have been discussed above. They did not disclose the step of: decoding the quantizing signal. However, the admitted prior art does disclose a decoder (18) for decoding the quantizing signal. (See Fig. 1 and page 2, line 9). Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the decoder of the admitted prior art for decoding the quantizing signal to produce decoded quantizing signal.

As per claim 5, the teaching of McCree et al have been discussed above. They did not disclose the step of: demodulating the quantizing signal. However, the admitted prior art does disclose a demodulator (14) for demodulating the quantizing signal. (See Fig. 1 and page 2, line 8). Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the demodulator of the admitted prior art for demodulating the quantizing signal to produce demodulated quantizing signal.

As per claims 7-8, the teaching of McCree et al have been discussed above. They did not disclose the steps of: estimating a preferred RMS value and normalizing the received signal according to the preferred RMS value. However, the admitted prior art does disclose the above missing steps to produce the estimated preferred RMS value and the normalized received signal.

Art Unit: 2133

4. Claims 6, 9-13 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


5. As per claims 14, 18, 21-25, and 31-32 are allowable.

6. Applicant's arguments with respect to claims 1-3, 4-14, 18, 21-25 and 28-32 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung My Chung whose telephone number is 703-305-9686. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Decady, Albert can be reached on (703) 305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9000.


Phung My Chung
Primary Patent Examiner
Technology Center 2100